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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/086,800	05/09/2002	Charles Hee Lee	911-9278	1621

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EXAMINER

GREEN, BRIAN

ART UNIT	PAPER NUMBER
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3611

DATE MAILED: 05/23/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/086,800

Applicant(s)

LEE, CHARLES HEE

Examiner

Brian K. Green

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other: ____

DETAILED ACTION

Drawings

The drawings are objected to because in figure 8, each figure should be separately labeled, i.e. Fig. 8a, Fig. 8b. In figures 1-3,6,7, and 9, it is not clear what the darkened portions (i.e. darkened flaps 13) represent. Do the dark areas represent the adhesive? Figures 1 and 2 are confusing since the darkened area is on both the front and back surface of the flap 13 on panel 16. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the heart, square, and star punctured outs as defined in claims 2 and 3 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because on lines 6 and 12, "invention" is used which is improper. On line 3, "envelops" should apparently be "envelopes". On line 14, "invitatory" should apparently be "invitational". On line 14, "envelop" should apparently be "envelope". Correction is required. See MPEP § 608.01(b).

The disclosure is objected to because of the following informalities: page 4, line 9, "star." should apparently be "star,". Page 4, line 15, "invitatory" should apparently be "invitational". Page 5, line 17, "envelops" should apparently be "envelopes". Page 8, line 15, , "envelops" should apparently be "envelope".

Appropriate correction is required.

Claim Rejections - 35 USC § 112

Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-4 are indefinite since the method claims fail to include any method steps. Claim 1 is indefinite since it is not how the first sheet can be part of a card, post card, and envelope. In claim 1, there is no antecedent basis for "the first part", line 2; "the evenly divided first sheet", line 2; "the card, post card, and envelope", line 3. In claim 2, there is no antecedent basis for "The first sheet of card stock", line 1; "the first portion", line 2. In claim 3, there is no antecedent basis for "The first sheet of post card and envelope stock", line 1; "the first portion", line 2; "the card stock", line 2. In claim 4, there is no antecedent basis for "The embroidered fabric", line 1; "the rear side", line 2; "the first portion", line 2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by Dolce (U.S. Patent No. 4,769,934).

Dolce shows in figures 1-4 a front panel (16) having an opening, a back panel (14) having adhesive (40), and an embroidered fabric (12,13) located between the front and back panels.

Claims 1 and 4 are rejected under 35 U.S.C. 102(b) as being anticipated by McGaver (U.S. Patent No. 5,727,490).

McGaver shows in figures 2a-2c a front panel (49) having an opening, second and third panels (50,51) having adhesive (48), and an embroidered fabric (44,46) located between the front panel and second panel.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dolce (U.S. Patent No. 4,769,934).

Dolce discloses the applicant's basic inventive concept except for making the opening square, heart, or star shaped. Dolce discloses the idea of making the opening rectangular shaped. It would have been an obvious matter of design choice to make the opening square, heart, or star shaped since the applicant fails to disclose any advantage to making the opening square, heart, or star shaped and the rectangular shaped taught by Dolce would work equally well.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Dolce (U.S. Patent No. 4,769,934) in view of Blanchard (U.S. Patent No. 4,275,517).

Dolce discloses the applicant's basic inventive concept except for making the card in the form of four panels. Blanchard shows in figures 1-7 the idea of making a card in the form of four panels and enclosing a display therein. In view of the teachings of Blanchard it would have been obvious to one in the art to modify Dolce by making the card in the form of four panels since this would allow a cover to be formed on the card which would help to protect the embroidery from being damaged. With regard to the shape of the opening, Dolce discloses the applicant's basic inventive concept except for making the opening square, heart, or star shaped. Dolce discloses the idea of making the opening rectangular shaped. It would have been an obvious matter of design choice to make the opening square, heart, or star shaped since the applicant fails to disclose any advantage to making the opening square, heart, or star shaped and the rectangular shaped taught by Dolce would work equally well.

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGaver (U.S. Patent No. 5,727,490).

McGaver shows in figures 2A-2C a first portion (42) with an opening and a second portion (50,51). McGaver discloses the applicant's basic inventive concept except for making the opening square, heart, or star shaped. McGaver discloses the idea of making the opening rectangular shaped. It would have been an obvious matter of design choice to make the opening square, heart, or star shaped since the applicant fails to disclose any advantage to making the

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opening square, heart, or star shaped and the rectangular shaped taught by McGaver would work equally well.

Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over McGaver (U.S. Patent No. 5,727,490) in view of Blanchard (U.S. Patent No. 4,275,517).

McGaver discloses the applicant's basic inventive concept except for making the card in the form of four panels. Blanchard shows in figures 1-7 the idea of making a card in the form of four panels and enclosing a display therein. In view of the teachings of Blanchard it would have been obvious to one in the art to modify McGaver by making the card in the form of four panels since this would allow a cover to be formed on the card which would help to protect the embroidery from being damaged. With regard to the shape of the opening, McGaver discloses the applicant's basic inventive concept except for making the opening square, heart, or star shaped. McGaver discloses the idea of making the opening rectangular shaped. It would have been an obvious matter of design choice to make the opening square, heart, or star shaped since the applicant fails to disclose any advantage to making the opening square, heart, or star shaped and the rectangular shaped taught by McGaver would work equally well.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Burtch, Best et al., Pyle et al., Olson, and Sugiura teach the use of fold-up cards that include a viewing opening.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian K. Green whose telephone number is (703) 308-1011. The examiner can normally be reached on M-F 7am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lesley Morris can be reached on (703) 308-0629. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9326 for regular communications and (703) 872-9327 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 306-4177.


BRIAN K. GREEN
PRIMARY EXAMINER

bkg
May 19, 2003